

Article - Public Safety

[\[Previous\]](#)[\[Next\]](#)

§5-312.

(a) (1) A person who is denied a permit or renewal of a permit or whose permit is revoked or limited may request the Board to review the decision of the Secretary by filing a written request with the Board within 10 days after receipt of written notice of the Secretary's final action.

(2) A person whose application for a permit or renewal of a permit is not acted on by the Secretary within 90 days after submitting the application to the Secretary may request a hearing before the Board by filing a written request with the Board.

(b) Within 90 days after receiving a request to review a decision of the Secretary, the Board shall:

(1) review the record developed by the Secretary; and

(2) conduct a hearing.

(c) The Board may receive and consider additional evidence submitted by a party in conducting a review of the decision of the Secretary.

(d) (1) Based on the Board's consideration of the record and any additional evidence, the Board shall sustain, reverse, or modify the decision of the Secretary.

(2) Within 60 days after the last hearing in the matter conducted by the Board, the Board shall submit in writing to the applicant, the holder of the permit, and the Secretary the reasons for the decision of the Board.

(e) (1) The applicant, the holder of the permit, or the Secretary may appeal the decision of the Board to the Office of Administrative Hearings within 30 days after the issuance of the Board's reasons under subsection (d)(2) of this section.

(2) Within 60 days after the receipt of a request from the applicant, the holder of the permit, or the Secretary, the Office of Administrative Hearings shall schedule and conduct a de novo hearing on the appeal, at which witness testimony and other evidence may be provided.

(3) Within 90 days after the conclusion of the last hearing on the matter, the Office of Administrative Hearings shall issue a finding of facts and a decision.

(4) A party that is aggrieved by the decision of the Office of Administrative Hearings may appeal the decision to the circuit court.

(f) (1) Subject to subsections (d) and (e) of this section, any hearing and any subsequent proceedings of judicial review shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(2) Notwithstanding paragraph (1) of this subsection, a court may not order the issuance or renewal of a permit or alter a limitation on a permit pending a final determination of the proceeding.

(g) On or before December 1 each year, the Board shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly:

(1) the number of appeals of decisions by the Secretary that have been filed with the Board within the previous year;

(2) the number of decisions by the Secretary that have been sustained, modified, or reversed by the Board within the previous year;

(3) the number of appeals that are pending; and

(4) the number of appeals that have been withdrawn within the previous year.

(h) The Board is subject to Title 3 (Open Meetings Act) of the General Provisions Article.

[\[Previous\]](#)[\[Next\]](#)